MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2022 / 2023 SESSION

UIF2612 – ISLAMIC FAMILY LAW

(All Sections / Groups)

6th OCTOBER 2023
Reading Time: 9.00 - 9.15 am
(15 Minutes)
Answering Time: 9.15am – 12.15pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes only in their question paper. Students then have the remaining **three hours** in which to answer the questions.

2. This question paper consists of 4 pages with 5 questions only.

3. Attempt **ALL** questions in **PART A** which are COMPULSORY and **TWO** questions in **PART B**. The distribution of the marks for each question is given.

4. Students are allowed to bring into the Examination Hall **CLEAN** and **ORIGINAL** copies of The Translation of Holy Quran and Islamic Family Law (Federal Territories) Act 1984. Students are not allowed to lend or borrow those books during the Examination.

5. Write all your answers in the Answer Booklet provided.

PART A – Answer ALL questions.

QUESTION 1

a) Mila, who is a manager in a big company in Kuala Lumpur, was forced by her father's father to marry Azil, a lorry driver for her family's farm in Perlis.

Based on the facts above, explain the capability of a *wali mujbir* to force a woman to marry without her consent.

(10 marks)

b) Iman was just told by her husband, Haris that he had contracted polygamous marriage in Thailand last month. She was not aware of the husband's intention to practise a polygamous marriage.

Based on the above, illustrate the importance of having the existing wife's consent for a polygamous marriage. Give your views on the ability of the husband to still contract a polygamous marriage without the consent of the existing wife.

(15 marks)

Total: 25 marks

QUESTION 2

Situation 1

After 5 years of marriage, Maria has lost her feelings towards her husband Zaini. He is a womaniser and drunkard. He earned a good salary but failed to pay maintenance to Maria. Her friend suggested for her to redeem herself from her husband to dissolve the marriage. She paid her husband some amount of money and later she was divorced with one talaq.

Situation 2

Melati's husband was found guilty of certain offence by the Sessions Court in Jasin and has been imprisoned for 20 years. After 3 years of his husband's imprisonment, Melati applied to the Syariah Court for an order of dissolution of marriage on the above ground. The Syariah Court has granted an order for dissolution of marriage through judicial process.

Distinguish the first and the second way of dissolution of marriage in both situations above with the support of the Quranic injunctions, Hadiths of the Prophet, statutory provisions and decided cases.

Total: 25 marks

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PART B – Answer TWO questions ONLY

QUESTION 3

Izzah was betrothed to Daniel last year. During the engagement ceremony, Daniel gave Izzah 5 gifts including a Manggo smartwatch, Raskin Bobbin's cake, and a set of Terkehel skincare, while Izzah gave Daniel 7 gifts which includes a VL wallet, a bottle of Jepp perfume, and boxes of Dogiva chocolate. They promised to get married in 9 months' time. Daniel had also given half of the pemberian amounting to RM27,000 to Izzah for her to pay the deposit for a wedding hall and to buy her wedding dress.

When Izzah went to a boutique to buy her wedding dress, she met with her ex-boyfriend, Jalil, who is the owner of the boutique. They reminisced their good times together. They were forced to break up as Izzah's father did not like Jalil because he works in the 'women industry'. After a few sessions of meeting together, Izzah and Jalil felt that they are still in love with each other. Jalil proposed to Izzah, and Izzah accepted him. She told Daniel that their engagement shall be terminated as she wanted to marry Jalil. Daniel felt heartbroken and betrayed at the same time. He wants to claim everything that she has given to Izzah. Izzah refused to return anything as all those things were her rights upon engagement and it shall be her decision whether she wants to return it or not.

Izzah later married Jalil. Jalil promised her *maskahwin* of RM80,808.80 to be paid later as he was waiting payment of RM200,000 from his wealthy client in 2 months. Five years passed by, and Jalil have yet to pay for the *maskahwin* as his wealthy client had cancelled his booking with him and decided to go to another bridal boutique. The client saw a video of Jalil went viral on TokTik as a road bully, threatening to beat a woman in a car using a steering-lock. Due to the viral video, Jalil's business suffered badly. Consequently, he stopped giving Izzah any form of maintenance. However, unknown to Izzah, Jalil bought some stocks before that, and the stocks were profitable. Izzah kept demanding for her *mas kahwin* and maintenance money. Every time she requests for it, Jalil would slap and beat her, and lock her in a room for one day. Jalil only gave her RM80 as *maskahwin* because according to him, that is the minimum amount fixed by the state as maskahwin. Jalil told Izzah to stay in the house and not to go anywhere while he went away for a few weeks to find clients for his business. Actually, he went for a holiday with his new girlfriend.

Frustrated with not getting her *maskahwin* and maintenance for almost two years, Izzah decided to go back to her parents' house without notifying Jalil.

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Based on the above scenario, apply the principles of Islamic family law to advise Izzah on the following:

a) The legal implications when she terminated the engagement with Daniel.

(5 marks)

b) The claims that she could file against Jalil.

(20 marks)

(Total: 25 marks)

QUESTION 4

Salmi and Budi have been married for almost 20 years. They have five children aged 15, 12, 8, 4 and 10 months old. Throughout the period, the marriage was not blessed with happiness. Budi's bad attitude of being drunkard most of the time, changing his work few times in a year and being abusive towards the wife and the children have put Salmi into difficult conditions. In 2011, Budi has pronounced a divorce, but they reunited after a month for the sake of the children.

In 2016, they divorced once again through Budi's pronouncement, but they agreed to remarry in 2018 to take care of Salmi's mother. However, Budi's attitude has not changed much since then.

Budi was a food rider of Cheetah.com and has many customers from all over places in Bandar Baru Alpha. Recently, Salmi's friend told her that she saw Budi seeing another woman. When he reached home, Salmi confronted him about the matter. Budi explained that the woman was his customer, but Salmi did not believe him. Suddenly he became angry, beat her, and uttered the words "I hate you and get lost. Get out of this house and I don't want to see your face anymore". Salmi claimed that Budi's words amounted to divorce.

Based on the above scenario, assess the following by applying the principles of Islamic family law:

a) The status of divorce between Budi and Salmi.

(10 marks)

b) Salmi's rights on the custody of children.

(10 marks)

c) Let's say if there is a revocable divorce between them and Budi died during Salmi's iddah period, discuss whether Salmi is entitled to his estates?

(5 marks)

(Total: 25 marks)

Continued...

QUESTION 5

Rawi has been married to Maria for 17 years and blessed with three children. Maria tendered a resignation as an accountant upon Rawi's request when she gave birth to their second child. He wanted her to take care of the children and did not trust any maid.

Over the years, Rawi has become a successful businessman and had accumulated a lot of wealth. Rawi managed to purchase a bungalow house in which they lived together as a matrimonial home, two units of condominiums, three units of shophouses and several luxury cars. All the properties are registered under Rawi's name, except for their matrimonial home of which Maria is a joint owner.

Their marriage was blessed with love and happiness until recently when Rawi married Yasmin, his secretary. Since then, the relationship between Rawi and Maria became sour. Rawi behaved badly towards Maria and became bad tempered. He physically abused her and treated her unfairly. He spent more time with Yasmin when she was pregnant and sometimes did not return to Maria's house for few months.

Upon her disappointment, Maria has asked Rawi to divorce her, but he refused. Rawi still loves Mariah and the children very much.

Maria insisted on terminating her marriage with Rawi. Solve Maria's legal problem by applying the laws of Muslims' marriage and divorce to the following: -

a) The possible grounds of dissolution of marriage between them.

(10 marks)

b) Her ancillary rights in the event the marriage comes to an end. (*Maskahwin* has been fully paid).

(15 marks)

(Total: 25 marks)

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